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LOUISIANA POLITICS & GOVERNMENT

New Orleans City Council votes to end jailing of indigent offenders on minor crimes

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Members of the crowd hold signs saying "Municipal Bail Reform Now" during a meeting at City Hall in New Orleans on Thursday, January 12, 2017. (Photo by Chris Granger, Nola.com | The Times-Picayune)(CHRIS GRANGER)

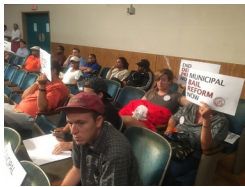
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BY **KEVIN LITTEN, NOLA.COM**
klitten@nola.com

The New Orleans City Council on Thursday (Jan. 12) voted to allow people charged with minor city offenses to be released without bail, a move supported by criminal justice reform advocates who said the system was unfair to poor people.

The change, which is set to go in effect in April, will apply to eligible defendants in Municipal Court. It does not apply to Criminal District Court.

The council's unanimous vote came after the Criminal Justice Committee failed in September to vote the changes out of committee after a tie vote. But because the that tie didn't kill the changes, committee chairwoman Susan Guidry was able to bring the ordinance back on Thursday (Jan. 12) with several changes that council members said



Ordinance to overhaul bail for poor offenders fails

In voting to remove bail for most minor offenses, the City Council avoided what Loyola University law professor Bill Quigley said would be a likely lawsuit seeking to force the city to rescind bail on those minor crimes. Similar litigation has been successful in Alabama.

"This is a really wonderful thing the council is doing this voluntarily," Quigley said. "These are non-violent, city misdemeanors where people are arrested and booked and sit in jail just because they don't have access to several hundred dollars.

It's not a significant challenge to the safety of the community."

An annual average of 2,660 people with municipal court cases sit in jail in New Orleans for at least three days waiting to go before a judge and then eventually be released on their own recognizance, Guidry said. There were 1,450 people who remained in jail for the duration of their case before it went to court -- usually for about a month.

If those people had access to small amounts of cash -- sometimes as low as \$50 -- they would be released. The practice of keeping poor people locked up for the simple reason that they don't have access to cash often prevents the person from working, putting them in what Guidry called "an endless cycle of vicious debt."

"Imagine what that would do to your life, if you suddenly were, without warning, were in jail for three days," Guidry said.

She said the measure will also save the city money because taxpayers will not have to pay to keep people locked up due to lack of bail for minor offenses.



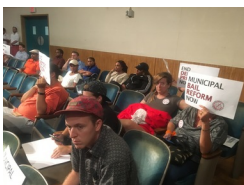
New Orleans District "A" Susan G. Guidry, at right, during a meeting at City Hall on Thursday, January 12, 2017. (Photo by Chris Granger, Nola.com | The Times-Picayune) (CHRIS GRANGER)

Guidry included several changes to the legislation that would allow city police to ensure people charged with certain minor crimes can remain locked up if they're deemed a danger to the community. There are also provisions to keep people charged with repeat offenses from being released if there's a concern that the person would commit the crime again.

The charges exempted under the ordinance are assault, criminal trespass, disturbing the peace, cruelty to animals and criminal damage to property.

There are also exceptions for domestic violence, battery, illegal carrying of weapons and impersonating a peace officer. For these four crimes, defendants could be released within 24 hours of the charge after they make a court appearance.

For all these exceptions, the court would need to make a determination of the "least restrictive non-financial release conditions, tailored specifically to address the risk of flight or danger to the community," according to the ordinance. In the case of situations where violence is concerned, the restrictions could include protective orders.



Proponents of ending misdemeanor bail seek lifeline

There is also an exception when a person "willfully failed to appear for a court date." If the court finds that "all previous attempts at imposing non-financial conditions have failed," the court is allowed to set a money bond to ensure the person appears for their case.

Councilman Jason Williams said the ordinance marks an important change that is aimed at making the justice system more equitable. He said the vast majority of people who will be helped by the changes are poor African Americans.

"Certain folks -- black poor folks -- have been marginalized and made to bear a cost, the biggest tax, just to live in the United States of America," Williams said. "They're paying for the running of that (criminal justice) system, and this is an effort to undo that and basically fix something that has been intentionally one way for a long period of time."

Williams said the police department plans to use a new software system that "will make sure people involved in a cycle of domestic violence" are not able to exploit the new legislation. He said police will have a way of "marking and flagging those scenarios so others are not caught up in a system" where they're suffering from abuse.

The advocacy group Orleans Parish Prison Reform Coalition, which has been pushing for the bail overhaul, praised the council vote. But they noted that there are many issues that still need to be addressed.

"We applaud (the) City Council in taking on this important issue," the coalition said in a statement. "While this ordinance is an important step towards righting the injustices of the justice system, much work remains to be done towards ensuring that nobody is incarcerated simply because they are poor."

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Kevin Litten covers New Orleans City Hall for NOLA.com | The Times Picayune. Reach him at klitten@nola.com or 225-436-2207. Follow him on Twitter [@kevinlitten](https://twitter.com/kevinlitten).

LOUISIANA POLITICS & GOVERNMENT

Louisiana House divided on applying domestic abuse charge to couples not living together

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Updated on May 12, 2017 at 3:33 PM
Posted on May 12, 2017 at 3:15 PM

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BY [LSU MANSHIP SCHOOL NEWS SERVICE](#)

BATON ROUGE -- The Louisiana House has voted 59-30 to make dating partners qualify for cases of [domestic abuse](#) even if they are not living together. The bill now goes to the Senate.

[House Bill 223](#) by Rep. Helena Moreno, D-[New Orleans](#), expands the coverage of domestic abuse. Currently, state law allows the criminal charge only for family and household members. A domestic abuser who is dating and not living with the victim is charged with a different crime, often simple battery. Moreno said law enforcement supports the new provision.



La. House removes marriage from domestic violence law



How to contact your Louisiana legislator, track bills

- See how your representative voted on HB 223:

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Story by Sarah Gamard. Contact: scbgamard@gmail.com or 504.430.9641.



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